

families. For a single mom with two children and \$30,000 of income, the 2001 and 2003 tax relief has prevented a tax increase of \$1,100 per year. Similarly, for a family of four with \$50,000 of income, this tax relief has prevented them from facing a \$2,300 yearly tax increase.

Indeed, both Senator OBAMA and Senator McCain agree on keeping most of the structure of the legislation criticized by my friends from Vermont and Illinois.

Where Senators OBAMA and McCain disagree is on whether we should keep the tax rates where they are. I would note that Senator OBAMA recently agreed that, because of concerns about the economy, we should leave the top rates where they are, at least for now.

I would encourage my friends to review the data I presented yesterday. That data clearly illustrates that there are negative effects on small business from raising marginal rates by 17 percent to 33 percent. The data show that the tax increases of Senator OBAMA's plan will take direct aim at small business owners. Senator OBAMA does now agree that we should defer his tax increases until 2011. Senator McCain thinks the current levels of taxation are appropriate for both now and the future.

The bipartisan tax relief of 2001 and 2003, largely supported by Senators OBAMA and McCain, kept revenues at or above historical averages for most of the period they were in effect. These policies were put in place during economic shocks, and the economy responded.

I would ask my friends why they disagree. Why should we raise taxes on small business now? I look forward to their response.

#### AMERICANS WITH DISABILITIES AMENDMENTS ACT OF 2008

Mr. ENZI. Mr. President, I rise today to voice my support for S. 3406, The Americans with Disabilities Amendments Act of 2008. Like the original ADA, this legislation is the result of extensive bipartisan effort; and I would take this opportunity to commend Senators Hatch and Harkin for their leadership on this issue. I would also note that this legislation was supported by a wide range of stakeholder groups in the employer and disability communities. These groups participated extensively in the development and negotiation of this legislation and it can safely be said that without their participation this bill would not be a reality today.

S. 3406 was principally crafted as a response to a number of Court cases that many observers felt had interpreted the ADA too narrowly, and, therefore, denied coverage to individuals that the statute was originally intended to cover. The legislation clarifies the legislative intent. It retains the inherently functional definition of disability from the original ADA; and

continues to require that in order for a physical or mental impairment to rise to the level of a covered disability it must substantially limit one or more of an individual's major life activities.

Ensuring that individuals with disabilities are free from discrimination, and fostering their full inclusion in the workplace and in all other aspects of life are singularly important goals and responsibilities. It is also equally important to continually monitor our laws, and, as we do today, amend them, to make certain these goals and responsibilities are met.

Whenever changes are made in existing law, however, we must be mindful of the likelihood of increased litigation in the aftermath of such changes. The drafters of S. 3406 have attempted to be as clear as possible in an effort to avoid the type of confusion that could spawn such excessive litigation. That said, we are not unmindful of the concerns expressed by some smaller businesses in this regard. Those businesses should recognize that this legislation was intended to ensure restored coverage for individuals that all of us recognize are entitled to the law's protection; and that the legislation was not intended to promote litigation or prop up questionable or frivolous claims of coverage. Just as Congress has monitored the original ADA and acts today to correct problems with its interpretation, it will continue to monitor the amended ADA and take action in the event it is abused.

I would also note that there have been some concerns expressed by both institutions of higher education and boards of professional certification that this bill would somehow change the fundamental nature of the service which a covered entity provides or lower the standards for professional certification. As to the latter, it should be expressly noted that nothing in the legislation affects the standards for professional certifications; and, as to the former, the legislation itself does not require that accommodations be extended where to do so would alter the fundamental nature of the services being provided. These would seem to be fair safeguards against the legitimate concerns expressed by some stakeholders.

The legislation that we pass today will hopefully help to aid in the full integration of those with disabilities into all aspects of society. It is an important piece in the strategy for achieving this end, but we must remember it is only a piece and cannot be the only strategy. Despite the existence of the ADA the workforce participation levels for individuals with disabilities have remained unacceptably low. We therefore need to think of approaches beyond the traditional enforcement of rights statutes in an effort to achieve the goal of the full participation of all our citizens in the benefits of our society and economy.

#### FEDERAL AND STATE VETERANS HOMES PARTNERSHIP

Mr. GREGG. Mr. President, I rise today to express my thanks for the 250 hard-working men and women of the New Hampshire Veterans Home in Tilton, NH, and to join them, and the other State Veterans Homes across our Nation, in celebrating the 120 year partnership between the Federal Government and State Veterans Homes. Our Nation has a proud history of looking after its warriors even after the loud sounds of battle have been pacified.

Since 1890, the New Hampshire Veterans Home has served in this fine tradition by providing care and comfort for thousands of men and women who have sacrificed so much to preserve our freedom and protect our country and State. The commitment and outstanding contributions of past Commandants, members of the board of managers, staff, and many volunteers to the welfare of New Hampshire veterans is truly extraordinary. Today, the New Hampshire Veterans Home continues to improve and uphold its value by assuring access to affordable, professional, and quality nursing care in a community setting that cultivates learning, growth, and optimal quality of life.

I look forward to building upon the good relationship between our Nation's State Veterans Homes and the Federal Government and again join in celebrating this milestone of service to our Nation's heroes.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MARGARET "PEGGY" SIMS

• Mrs. FEINSTEIN. Mr. President, I wish to take this opportunity to pay tribute to a longtime public servant who spent her career working hard to improve the quality of elections. Ms. Margaret Sims spent her entire career working for both of the agencies under the jurisdiction of the Rules Committee—the Federal Election Commission and the Election Assistance Commission. She passed away earlier this month after a long battle with cancer.

A resident of Burke, VA, Ms. Sims, known to her friends as "Peggy", was born in Schenectady, NY, and was a graduate of Wells College. She was an intern in the community services department at the AFL-CIO before starting her career at the FEC as an investigator. She also served as Director of Compliance and Election Administrative Research Specialist at that agency.

Long before the 2000 election and hanging chads, Ms. Sims was working hard with our Nation's election administration professionals to provide them with the best information available to help them do their job. While at the FEC, she assisted in developing voting systems standards and in the creation